

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 ADP-00 NSC-10 OIC-04 MBFR-03 ACDA-19

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H-02 CIAE-00 DODE-00 INR-10 NSAE-00 PA-03 RSC-01

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P R 172350 Z MAY 73

FM SECSTATE WASHDC

TO AMEMBASSY HELSINKI PRIORITY

INFO ALL NATO CAPITALS

AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 095126

E. O. 11652: GDS

TAGS: PFOR

SUBJECT: CSCE: PRINCIPLES MANDATE

REF: (A) HELSINKI 916; (B) HELSINKI 918; (C) STATE 84343

HELSINKI FOR US DEL MPT

WITH A VIEW TO RENEWED MPT CONSIDERATION OF LIST OF
PRINCIPLES TO BE INCLUDED IN BASKET I (SECURITY) MANDATE,
DEPT.' S PREFERENCES AMONG FORMULATIONS CONTAINED IN IN-
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FORMAL COMPOSITE TEXT PREPARED AT END OF MPT III (PARA 4, REF B), FOLLOW. US DEL SHOULD DRAW ON THESE POINTS AS NECESSARY DURING DISCUSSION OF THIS SUBJECT:

(A) SOVEREIGN EQUALITY. ITALIAN- SPANISH FORMULATION IS PREFERABLE IN THAT IT IS DERIVED DIRECTLY FROM THE UN CHARTER AND THUS AVOIDS ANY IMPLICATION OF INTENT TO WRITE NEW INTERNATIONAL LAW. SWISS FORMULATION ALSO ACCEPTABLE. FYI. SWISS FORMULATION CONTAINS CERTAIN ADVANTAGES FROM POINT OF VIEW OF COPING WITH PROBLEMS RELATING TO FOUR POWER RIGHTS DISCUSSED REF C IN THAT IT MIGHT PRODUCE SOMEWHAT WEAKER DECLARATION LANGUAGE ON SOVEREIGN EQUALITY. END FYI. ROMANIANS MIGHT BE URGED TO MAKE THEIR PROPOSAL FOR TWO PRINCIPLES AT STAGE 2 SINCE IT IS A FURTHER REFINEMENT OF ITALIAN AND SPANISH FORMULATION.

(B) REFRAINING FROM USE OF FORCE. ITALIAN FORMULATION PREFERABLE SINCE IT IS DRAWN FROM ENGLISH TEXT OF UN CHARTER. SEE REF C AS TO EXPLICIT LINKAGE OF THIS PRINCIPLE AND NEXT TWO PRINCIPLES.

(C) INVIOABILITY OF FRONTIERS. WE WOULD WISH TO SUPPORT FRG IF IT OPPOSES SPECIFIC REFERENCE IN SOVIET FORMULATION TO " STATE FRONTIERS". SEE PARA B ABOVE AS TO LINKAGE.

(D) TERRITORIAL INTEGRITY. SEE PARA B ABOVE AS TO LINKAGE. WE ARE PREPARED TO ACCEDE TO SEPARATE LISTING OF TERRITORIAL INTEGRITY AND FRONTIER INVIOABILITY, WHICH WE ASSUME WILL BE IMPORTANT TO SOVIETS. HOWEVER, LISTING THEM TOGETHER, AS IN ROMANIAN AND YUGOSLAV FORMULATION AND IN US- USSR JOINT COMMUNIQUE (MAY 29, 1972) WOULD FURTHER REINFORCE LINKAGE WITH NON- USE OF FORCE, SINCE UN CHARTER TREATS TERRITORIAL INTEGRITY IN CONTEXT OF NON- USE.

(E) PEACEFUL SETTLEMENT. ITALIAN- YUGOSLAV- SWISS FORMULATION IS DRAWN FROM CHAPTER 6 OF THE UN CHARTER, ROMANIAN- SPANISH FORMULATION FROM ARTICLE 2(3) OF CHARTER. BOTH ARE ACCEPTABLE.

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(F) NON- INTERVENTION. NON- INTERFERENCE, WHICH IS A SUBSIDIARY CONCEPT TO NON- INTERVENTION IN UN FRIENDLY RELATIONS DECLARATION, RAISES A NUMBER OF QUESTIONS WHICH WILL REQUIRE CAREFUL CONSIDERATION. IT WOULD BE PREFERABLE TO SETTLE ONLY ON NON- INTERVENTION IN MANDATE AND LEAVE QUESTION OF HOW CONCEPT OF NON- INTERFERENCE IS TO

BE HANDLED FOR STAGE 2 OF CSCE. SPANISH FORMULATION IS TOO DETAILED AND CONTROVERSIAL TO FORM BASIS FOR CONSENSUS AT MPT.

(G) HUMAN RIGHTS. BOTH FORMULATIONS ARE ACCEPTABLE.

(H) SELF DETERMINATION. ITALIAN FORMULATION PREFERABLE SINCE IT IS DRAWN FROM ARTICLE 1(2) OF THE UN CHARTER. UNITY CONCEPT SUGGESTED BY SPAIN WILL BE IMPORTANT TO A NUMBER OF PARTICIPANTS AT THE CONFERENCE. IT HAS BEEN EXTENSIVELY DISCUSSED IN NATO AND WILL HAVE TO BE DEALT WITH IN CSCE STAGE 2. HOWEVER, IT WOULD BE PREFERABLE FOR MPT TO AVOID PREJUDGING WHETHER THIS ELEMENT WILL BE INCLUDED IN THE PRINCIPLE.

(I) COOPERATION. SHORT SOVIET FORMULATION IS PREFERABLE AS BEING THE EASIEST BASIS ON WHICH TO REACH QUICK AGREEMENT. ROMANIAN CONCEPT OF COOPERATION ON THE BASIS

OF MUTUAL ADVANTAGES IS NOT FOUND IN UN CHARTER OR FRD AND MAY GIVE RISE TO CONTROVERSY.

(J) INTERNATIONAL OBLIGATIONS. ITALIAN- SPANISH- SWISS FORMULATIONS ARE THE MOST DESIRABLE SINCE THEY DO NOT EXPRESSLY SUGGEST CONFIRMATION OF TREATIES BETWEEN PARTICIPANTS IN CSCE DECLARATION ON PRINCIPLES. ROMANIAN AND SOVIET FORMULATIONS COULD PROVIDE BASIS FOR ARGUING THAT CSCE HAD RATIFIED CZECH FRIENDSHIP, COOPERATION AND MUTUAL ASSISTANCE TREATY OF MAY 6, 1970, WITH SOVIETS WHICH INCLUDES IMPLICIT JUSTIFICATION FOR FUTURE SOVIET INTERVENTIONS. YUGOSLAV FORMULATION HAS SUBSTANTIAL MERIT SINCE IT WOULD PROVIDE AN ARGUMENT THAT CZECH TREATY NOT INCLUDED IN THOSE THAT ARE CONFIRMED BY THIS PRINCIPLE IN THAT IT WAS CONCLUDED UNDER THREAT OF FORCE AND IS CONFIDENTIAL

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THEREFORE NOT IN ACCORDANCE WITH THE CHARTER. IF SOVIETS INSIST ON ONE OF THEIR TWO ALTERNATIVES, SIMPLE REFERENCE TO " OBLIGATIONS" WOULD BE PREFERABLE TO LONGER SOVIET FORMULATION WHICH SPECIFICALLY MENTIONS TREATIES. RUSH

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